



Attorney Docket SEL 119

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TECHNOLOGY CENTER 2800
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In Re Application of)
Higuchi et al.)
Serial No.: 09/198,751)
Filed: November 24, 1998)
For: Electrooptical Device, Method Of)
Manufacturing The Same)
And Electronic Equipment)
Art Unit: 2871)
Examiner: M. Ton)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231 on
October 28, 2002
MARK MURPHY
Mark J. Murphy 10/28/02
Signature Date

Commissioner for Patents
Washington, D.C. 20231

RESPONSE E

Sir:

Applicants have the following response to the Office Action of June 28, 2002, a one month extension of time being separately submitted.

In the Office Action, the Examiner has the following rejections under 35 U.S.C. §103:

1. Claims 1, 6, 8, 42-45, 48-52, 54-59 and 60-70 as being unpatentable over Majima et al. in view of Kondo et al.
2. Claims 2-5, 28-31, 34-35, 53, 71-80 as being unpatentable over Majima in view of Kondo and further in view of Shimada et al.
3. Claims 16-17 and 22-27 as being unpatentable over Majima in view of Kondo and further in view of Misawa et al.

4. Claims 18-19 as being unpatentable over Majima in view of Kondo and Misawa and further in view of Kunii et al.
5. Claims 20-21 as being unpatentable over Majima in view of Kondo and Misawa and further in view of Shimada.

Each of these rejections is respectfully traversed.

The present invention, as recited in independent Claim 1, is directed to a display device, such as an active matrix type liquid display, comprising a pixel electrode wherein an insulating layer is embedded in a recess portion of the pixel electrode and wherein the insulating layer comprises a light absorbing layer comprising a resin in which a pigment or a carbon-based material is contained. The other independent claims have a similar recitation about the composition of the light absorbing layer. Some of the other independent claims also include the limitation of a second metal layer formed on the pixel electrode and the insulating layer. These are shown in the specification at page 5, ln. 20 - page 7, ln. 23 and Embodiment 1.

In the Office Action, the Examiner alleges that Majima "discloses the filler comprising aluminum film coated with polyimide resin (i.e., light absorbing insulating material)." Figures 1-4 are cited in support thereof.

Applicants respectfully disagree with the Examiner's conclusion. As explained at col. 8, lns. 34-54, an aluminum film that is to become the pixel electrode 4 is deposited (lns. 34-35). The aluminum film is coated with a polyimide resin as a filler 5d for filling the gap between the pixel electrodes (i.e. aluminum film) 4 (lns.53-55). Hence, the reference does not teach or suggest that the filler comprises aluminum.

The Examiner also contends that Kondo “teaches the use of carbon for shielding yield advantage... it would have been obvious to one of ordinary skill in the art to employ carbon for the light absorbing layer...”

There is no explicit statement in the Office Action as to the motivation for one skilled in the art to combine these references together to arrive at the claimed invention. In fact, Applicants respectfully submit that the combination is improper as no such motivation exists.

As the Federal Circuit has held on numerous occasions, “[w]hen a rejection depends on a combination of prior art references, there must be some teaching, suggestion, or motivation to combine the references.” Ecolchem, Inc. v. Southern California Edison Company, 56 USPQ2d 1065, 1073 (Fed. Cir. 2000). “Combining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor’s disclosure as a blueprint for piecing together the prior art to defeat patentability—the essence of hindsight.” Id. Such hindsight reconstruction is improper, and a rejection based thereon should be withdrawn. Id. at 1072-1076.

Polymide is transparent and is often applied as a transparent material for forming an interlayer insulating layer (see e.g. U.S. Patent No. 5,495,353 (Yamazaki et al.)¹ Ins. 40-41). There is no teaching or suggestion in Majima that the polymide resin is used as a light absorbing layer. In all likelihood, it is being used as a transparent layer. Hence, there would be no motivation to replace the polymide of Majima with a carbon light absorbing layer.

Accordingly, the combination of the references is improper, and the rejection based thereon should be withdrawn.

For substantially the same reasons, all of the other rejections of the claims also fails.

¹ Applicants will be submitting this reference in an IDS in the next couple of days.

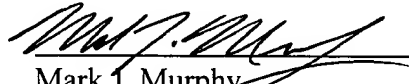
Accordingly, the claims are patentable over the cited references, and it is requested that the §103 rejections now be withdrawn.

The Examiner also provisionally rejects claims 1-6, 16-31, 34-35, 42-45 and 48-80 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-32 of copending Application No. 09/197,767 and claims 1-6, 16-31, 34-35, 42-45 and 48-80 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-26 of copending Application No. 09/550,598. As these are both provision rejections, Applicants respectfully traverse the rejections as it is not believed that either application has yet issued as a patent.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

Date: October 28, 2002


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